

**Senate File 2316 - Reprinted**

SENATE FILE 2316  
BY COMMITTEE ON REBUILD IOWA

(SUCCESSOR TO SSB 3098)

(As Amended and Passed by the Senate February 25, 2010)

**A BILL FOR**

1 An Act relating to flood plain management.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 455B.197B Storm water best  
2 management practices.

3 By December 31, 2010, the department shall develop best  
4 management practices for storm water. The practices shall  
5 limit water runoff, reduce potential future flood damage,  
6 assess the effects of stream channelization, and improve  
7 watershed management in terms of both water quality and water  
8 quantity. All cities shall consider the best management  
9 practices or other comparable management practices in the  
10 development and implementation of storm water management  
11 ordinances adopted on or after July 1, 2011.

12 Sec. 2. NEW SECTION. 455B.276A Two-tenths percent flood  
13 plain — model ordinance.

14 1. By December 31, 2010, the department, in consultation  
15 with the rebuild Iowa office, the division of homeland security  
16 and emergency management of the department of public defense,  
17 the Iowa league of cities, conservation districts of Iowa, and  
18 the Iowa state association of counties, shall develop a model  
19 ordinance for the regulation of a two-tenths percent flood  
20 plain by political subdivisions. The department shall consider  
21 including all of the following in the model ordinance:

22 a. Requirements, if any, for the purchase of flood insurance  
23 for property.

24 b. Requirements, if any, for new development or modification  
25 or improvement of existing development to mitigate the effects  
26 of future flooding.

27 c. The effect of flood control levees.

28 d. The use of fill and offsets required for the use of fill.

29 e. Categories of development that should be prohibited.

30 f. Interaction with regulations by the federal emergency  
31 management agency.

32 g. Any other issues that the department finds should be  
33 addressed in the model ordinance.

34 2. For purposes of this section, the two-tenths percent  
35 flood plain includes a two-tenths percent flood plain

1 identified on a flood insurance rate map certified by the  
2 federal emergency management agency or, if a certified flood  
3 insurance rate map is not available, on a map developed or  
4 approved by the department.

5     Sec. 3. NEW SECTION.   **455B.276B Critical facilities — flood**  
6 **plains.**

7     1. For purposes of this section, *facilities "critical for*  
8 *the health and safety of the public and the environment"* include  
9 hospitals and health care facilities as defined in section  
10 135C.1, jails, and emergency operations centers including fire,  
11 police, and rescue facilities.

12     2. Any construction of a new facility, or any substantial  
13 modification or improvement of an existing facility, critical  
14 for the health and safety of the public and the environment  
15 within a two-tenths percent flood plain as identified on a  
16 flood insurance rate map certified by the federal emergency  
17 management agency or, if a certified flood insurance rate  
18 map is not available, on a map developed or approved by the  
19 department shall be designed to maintain the operation and  
20 function of the facility or the safe cessation of the operation  
21 and function of the facility during the occurrence of a  
22 two-tenths percent flood as determined by the department or  
23 political subdivision. The department or political subdivision  
24 may provide a waiver from this requirement if the facility is  
25 built in accordance with the requirements of an agreement with  
26 the federal emergency management agency.

27     3. Not later than December 31, 2012, the department  
28 shall amend its standards under section 455B.173, subsection  
29 8, to provide for the safe operation and function, or the  
30 safe cessation of the operation and function, of facilities  
31 regulated pursuant to that subsection, during the occurrence of  
32 a two-tenths percent flood as determined by the department.

33     4. *a.* This section shall not apply if a two-tenths percent  
34 flood plain is not identified on a flood insurance rate map  
35 certified by the federal emergency management agency or on a

1 map developed or approved by the department.

2     *b.* This section shall not apply to a facility if an  
3 application is pending for an amendment or revision to a  
4 flood insurance rate map certified by the federal emergency  
5 management agency on the basis that the facility is not within  
6 the two-tenths percent flood plain.

7     Sec. 4. NEW SECTION. **466.10 Hydrological tiling study.**

8     The department of agriculture and land stewardship shall  
9 conduct a hydrological tiling study in conjunction with  
10 hydrology experts from the Iowa flood center and Iowa state  
11 university of science and technology to determine the impact  
12 tile drainage has on infiltration, surface runoff, and flooding  
13 and to evaluate the feasibility of seasonal retention of water  
14 in tile drained fields as a drainage management strategy. The  
15 impact of potholes, wetlands, and water retention structures  
16 shall also be considered in the study.

17     Sec. 5. Section 466B.3, subsection 6, paragraph c, Code  
18 Supplement 2009, is amended to read as follows:

19     *c.* The council shall develop recommendations for policies  
20 and funding promoting a watershed management approach to  
21 reduce the adverse impact of future flooding on this state's  
22 residents, businesses, communities, and soil and water quality.  
23 ~~Policy and funding recommendations shall be submitted to the~~  
24 ~~governor and the general assembly not later than November~~  
25 ~~15, 2009.~~ The council shall consider policies and funding  
26 options for various strategies to reduce the impact of  
27 flooding including but not limited to additional floodplain  
28 regulation; wetland protection, restoration, and construction;  
29 the promulgation and implementation of statewide storm water  
30 management standards; conservation easements and other land  
31 management; perennial ground cover and other agricultural  
32 conservation practices; pervious pavement, bioswales, and  
33 other urban conservation practices; and permanent or temporary  
34 water retention structures. In developing recommendations,  
35 the council shall consult with hydrological and land use

1 experts, representatives of cities, counties, drainage and  
2 levee districts, agricultural interests, and soil and water  
3 conservation districts, and other urban and regional planning  
4 experts.

5 Sec. 6. Section 466B.3, subsection 6, Code Supplement 2009,  
6 is amended by adding the following new paragraph:

7 NEW PARAGRAPH. *d.* The council shall develop recommendations  
8 for watershed governance including but not limited to assigning  
9 responsibility for assessment of flood risk, assessment and  
10 prioritization of options for reducing flood risk, allocation  
11 of flood reduction resources, operation of controlled water  
12 retention structures, and the purchase of land or easements by  
13 cities pursuant to section 364.4. The council shall submit  
14 recommendations to the governor and the general assembly not  
15 later than November 15, 2010.

16 Sec. 7. Section 466B.4, subsection 2, Code Supplement 2009,  
17 is amended to read as follows:

18 2. *Marketing campaign.* The water resources coordinating  
19 council shall develop a marketing campaign to educate Iowans  
20 about the need to take personal responsibility for the quality  
21 and quantity of water in their local watersheds. The emphasis  
22 of the campaign shall be that not only is everyone responsible  
23 for clean water, but that everyone benefits from it as well,  
24 and that everyone is responsible for and benefits from reducing  
25 the risk for flooding and mitigating possible future flood  
26 damage. The goals of the campaign shall be to convince Iowans  
27 to take personal responsibility for clean water and reducing  
28 the risk of flooding and to equip them with the tools necessary  
29 to effect change through local water quality improvement  
30 projects and better flood plain management and flood risk  
31 programs.

32 Sec. 8. NEW SECTION. **466B.10 Multipurpose wetlands.**

33 The department of agriculture and land stewardship, in  
34 cooperation with the council, may initiate programs to  
35 integrate multipurpose wetlands into watersheds with drainage

1 districts or larger drainage systems and may prioritize funding  
2 for such programs that incorporate a holistic approach. For  
3 purposes of this section, integrated wetlands and drainage  
4 systems shall provide for nutrient trapping and treatment, more  
5 water infiltration and evapotranspiration, greater water runoff  
6 retention, and habitat to support biodiversity.

7 Sec. 9. NEW SECTION. **466B.11 Watershed demonstration pilot**  
8 **projects.**

9 The department of natural resources and the department of  
10 agriculture and land stewardship, in collaboration with the  
11 United States department of agriculture's natural resources  
12 conservation service and the Iowa flood center established  
13 pursuant to section 466C.1, and in cooperation with the  
14 council, shall seek funding to plan, implement, and monitor  
15 one or more watershed demonstration pilot projects for urban  
16 and rural areas involving a twelve-digit hydrologic unit code  
17 subwatershed as defined by the United States geological survey.  
18 The pilot projects shall include features that seek to do all  
19 of the following:

- 20 1. Maximize soil water holding capacity from precipitation.
- 21 2. Minimize severe scour erosion and sand deposition during  
22 floods.
- 23 3. Manage water runoff in uplands under saturated soil  
24 moisture conditions.
- 25 4. Reduce and mitigate structural and nonstructural flood  
26 damage.

27 Sec. 10. NEW SECTION. **466B.12 Flood plain managers.**

28 The council shall encourage and support the formation of  
29 a chapter of the association of state flood plain managers  
30 in Iowa that would provide a vehicle for local flood  
31 plain managers and flood plain planners to further pursue  
32 professional educational opportunities.

33 Sec. 11. NEW SECTION. **466B.13 Flood education.**

34 The Iowa state university agricultural extension service,  
35 the council, and agency members of the council shall work

1 with flood plain and hydrology experts to educate the general  
2 public about flood plains, flood risks, and basic flood plain  
3 management principles. This educational effort shall include  
4 all of the following:

5 1. Developing a statewide soil moisture monitoring network  
6 for assessing flood risk through the Iowa water center of Iowa  
7 state university of science and technology and the Leopold  
8 center for sustainable agriculture established in section  
9 266.39, and make extensive use of existing tools and knowledge  
10 focused on soil health, specifically the soil conditioning  
11 index of the United States department of agriculture's natural  
12 resources conservation service as a common metric for improved  
13 agronomic and conservation practices.

14 2. Developing educational materials and programs in  
15 consultation with flood plain experts.

16 3. Expanding use of existing integrated farm and land  
17 resource management tools to assist planners, landowners,  
18 and farmers in planning and creating infiltration systems to  
19 accommodate rainfalls of at least one and one-quarter inch and  
20 support conservation and business planning.

21 Sec. 12. NEW SECTION. **466B.14 Conservation practice**  
22 **criteria.**

23 The department of agriculture and land stewardship, in  
24 cooperation with the council, shall work with the United States  
25 department of agriculture's natural resources conservation  
26 service to reassess criteria for soil and water conservation  
27 practices as defined in section 161A.42 due to changing  
28 precipitation patterns and extreme weather events. This shall  
29 include all of the following technical standards and manuals:

30 1. The field office technical guide of the natural resources  
31 conservation service for conservation criteria.

32 2. The engineering field manual of the natural resources  
33 conservation service for design criteria.